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Narrating the 'Asylum Story': Between Literary and Legal Storytelling

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Biographical Note

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Narrating the ‘Asylum Story’: Between Literary and Legal Storytelling

Abstract

In 2014 the United Nations High Commission for Refugees reported that the number of forcibly displaced people worldwide had exceeded fifty million for the first time since World War Two (UNHCR, 2014). The entanglement of literary and legal technologies in the asylum decision-making process as it operates today in legal, advocacy and creative circles, excludes asylum seekers from incorporation as rights-bearing individuals if they do not conform to a particular narrative of persecution. In a moment of anxiety over “the meaning and scope of citizenship” (Slaughter 2009, 27) comparable to that of the post-War period – and facing a refugee crisis of similar scale – an investigation of the means by which asylum protection is constituted by and enacted through narrative forms is long overdue. This essay analyses the procedural characteristics of the asylum decision-making process, which produces what I call the ‘asylum story’: an idealized version of refugeehood on which the civic incorporation of the asylum seeker depends and which circulates in a narrative economy that sets the terms for the enunciation of refugee experience. It considers how the notion of a discoverable truth has inflected literary engagements with asylum, which are beset by the same anxieties around veracity and authenticity endemic to the legal process of decision-making on asylum, and ends with an analysis of Chimamanda Ngozi Adichie’s short story ‘The American Embassy’ from her 2009 collection *The Thing Around Your Neck*. I argue that the story exposes the narrative instabilities of the asylum determination process, highlighting the ways in which those international institutions designed to protect human rights continue to be deeply implicated in regimes of truth which regulate upon whom they may be conferred.

Keywords

Asylum, Human Rights, Chimamanda Ngozi Adichie, Refugees

In 2014 the United Nations High Commission for Refugees reported that the number of forcibly displaced people worldwide had exceeded fifty million for the first time since World War Two (UNHCR, 2014). Given that institutional mechanisms for dealing with displacement were part of the codification of human rights into international law in the post-War period, the historical parallel is instructive. Though the geopolitical context has changed, the legal instruments in place to deal with the current spike in international refugee movement remain those that were laid down in the 1951 Convention Relating to the Status of Refugees and the 1967 protocol, which defined who may be officially designated a refugee. The Convention describes a refugee as someone who has a “well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion” (UN, 1951, 1967). Today, the millions of families and individuals on the move, living in refugee camps and languishing in detention centres in Europe, the United States, Australian territories, Africa the Middle-East, must all conform to this definition in order to be recognised as a refugee under international law. For those seeking to resettle in another country, legal recognition as a refugee is a condition of their right to asylum. Whether the designation as a ‘Convention refugee’ is given within the country of potential resettlement, or by a national embassy or the UNHCR in the country of origin, all must bear credible witness to the events that have led to their claim for protection in a process that has barely changed since it was enshrined in law in 1951. They must provide for decision makers a “well-founded” narrative of persecution based on verifiable evidence.ⁱ

In his rigorous study, *Human Rights Inc: The World Novel, Narrative Form, and International Law* (2009), Joseph Slaughter argues that legal conceptions of human personhood developed in human rights discourses have historically been reflected in, but also produced by, literature: just as the law enables “some narrative plots and literary genres over others”, literature has “historically favored and enabled some formulations of the law” (11). Both literature and the law, according to Slaughter, project the person as a “moral creature capable of bearing rights and duties” (17) who undergoes a process of civic “incorporation” (21) and emerges as a fully-enfranchised individual. Charting the development of conceptions of human rights since the eighteenth century, Slaughter argues that:

The movement of the subject from pure subjection to self-regulation describes the plot trajectory of the dominant

transition narrative of modernization, which both the *Bildungsroman* and human rights law take for granted and intensify in their progressive visions of human personality development. (9)

For Slaughter, the *Bildungsroman* was, and continues to be, “the predominant formal literary technology in which social outsiders narrate affirmative claims for inclusion in a regime of rights and responsibilities” (27). The coming into personhood of the *bildung* narrative is thus a process of civic incorporation which confers rights. But the legal and literary plotlines that project modern personhood have tended to exclude those seeking incorporation in a sovereign state other than their country of origin. As has been well-documented, the paradox at the heart of the operation of human rights as a legal instrument means that, in Hannah Arendt’s famous words, “a right to have rights” (1973, 298) is in fact predicated on national belonging. Now, as in 1951, “a sphere that is above the nations does not exist” (Arendt 1973, 298).ⁱⁱ In the case of asylum, claimants must make a request to one sovereign state for protection from another, and the decision over asylum is taken by a state representative such as an immigration officer or judge. As I will argue, the process of claiming asylum follows its own rigid plotlines, producing an idealized refugee personhood rooted in the 1951 Convention.ⁱⁱⁱ The entanglement of literary and legal technologies in the asylum decision-making process as it operates today in legal, advocacy and creative circles, excludes asylum seekers from incorporation as rights-bearing individuals if they do not conform to a particular narrative of persecution. Moreover, the basis on which the state, or state representative, makes a decision on asylum protection is one of narrative interpretation.

In a moment of anxiety over “the meaning and scope of citizenship” (Slaughter 2009, 27) comparable to that of the post-War period – and with refugee numbers of a similar scale – an investigation of the means by which asylum protection is constituted by and enacted through narrative forms is long overdue. While this essay does not attempt such a comprehensive study, my point of departure is an analysis of the procedural characteristics of the asylum decision-making process, which demands a particular narrative of persecution for the conferment of refugee status. More than any other aspect of human rights legislation, the Convention Relating to the Status of Refugees depends almost entirely on the story of the claimant: it is “the most intensely narrative mode of legal adjudication” (Millbank 2009, 2).

As such, the system produces what I call here the ‘asylum story’: an idealized version of refugeehood on which the civic incorporation of the asylum seeker depends and which circulates in a narrative economy that sets the terms for the enunciation of refugee experience. Such models of ideal refugeehood, produced by a peculiarly restrictive set of narrative conditions, have material effects which can often mean the difference between life and death for asylum claimants. This is widely recognised in refugee studies, which is attentive to the role of narrative in the asylum regime (see, for example, Eastmond, 2007; Monnier, 1995). Katrijn Maryns (2006) in particular has analysed extensively the role of language in the asylum interview. But literary-cultural methodologies, attuned to sociological and political registers, can shed new light on the ways in which refugee or asylum seeker status is both a legal determination and a subjectivity shaped by and through language and storytelling. Critical analysis of how the ‘asylum story’ operates in the world is vital to the ongoing task of preserving rights for those who can no longer claim protection from the state. This paper builds on a growing attention to the particularities of asylum and refugee subjectivity – and its material relationship to the law – within postcolonial studies, which has led in turn to thoroughgoing re-assessments of the ways in which asylum seeking fits conventional paradigms of diasporic accommodation and belonging.^{iv}

Beginning with an examination of the legal operation of the asylum determination process, the production of the ‘asylum story’ and the narrative contexts in which it operates, I will chart the inherent contradictions in a process that relies on narrative retelling – a reconstruction of whatever fragments of their experiences the claimant can provide – yet which insists on “the notion of truth as objective and discoverable by a decision-maker who is a fact ‘finder’” (Millbank 2009, 5). I proceed to consider how this notion of a discoverable truth has inflected literary engagements with asylum, which are beset by the same anxieties around veracity and authenticity endemic to the legal process of adjudication. I end with an asylum story that refuses to conform to the normative expectations of the legal regime: Chimamanda Ngozi Adichie’s short story ‘The American Embassy’ from her 2009 collection *The Thing Around Your Neck*, in which a Nigerian woman seeks asylum at the United States embassy in Lagos. ‘The American Embassy’ presents the asylum system as an important site of tension which, while providing a forum for bearing witness to historical events – both as the basis for rights claims and as a powerful means of giving voice to marginalized experiences – also presents the speaker with a pre-defined set of narrative plotlines. For

Adichie, the asylum story remains intricately bound to the narrative forms in which it is told. A writer who has been consistently interested in issues of narrative legitimacy, Adichie exposes the narrative instabilities of material systems of regulation like the asylum determination process, highlighting the ways in which those international institutions designed to protect human rights continue to be deeply implicated in regimes of truth which regulate upon whom they may be conferred.

Legal plotlines

While there are inevitably procedural variations in signatory countries, the fundamental operation of the Refugee Convention has not changed since its inception in 1951 and it remains the most widely-used definition of a refugee.^v The process is based on a refugee's ability to provide a credible account of their persecution and, where possible, to prove the authenticity of their claim through documentary and often bodily evidence. In practice, however, the process relies heavily on the self-presentation of the individual claimant; their ability to convince an immigration officer or judge. The claimant must narrate themselves into a position of legitimacy. As Millbank points out, the dialogic nature of this interaction between teller and listener is rarely taken into account despite the fact that decision makers are "choosing (based on evidence, instinct, emotion, or a combination) to believe, or to disbelieve, in [the story] or the person telling it" (2009, 5). As their interpretive effect on the asylum story is unacknowledged, the decision maker is positioned as a "fact finder" (Millbank 2009, 5), whose role it is to ascertain a discoverable truth. This foundational piece of human rights legislation thus not only shapes the kinds of rights-bearing individuals we aspire to be – "incorporated citizen-subjects" (Slaughter 2009, 249) – but it also draws a clear line between fact and fiction, the crossing of which can have devastating implications for the claimant. This line divides those whose 'authentic' narratives allow them to become fully incorporated individuals, and those who are deemed *incredible* candidates for enfranchisement because their stories remain unsubstantiated. One reason, perhaps, why the term 'bogus asylum seeker' has gained such discursive power (in Britain at least), is because those designated as such are thought to be bearing false witness in the context of a normative narrative regime which posits a particular conception of a persecuted person.

The events leading to an asylum claim are most often presented orally at an initial immigration interview and then consolidated into an asylum story at subsequent hearings and appeals. Sociolinguist Jan Blommaert has carried out extensive research into the relationship between asylum narratives and decision-making processes in Europe, linking it to larger trends of inequality arising from globalization. Drawing on Dell Hymes' and Courtenay Cazden's assertion that certain forms of inequality have to do with "rights to use narrative, with whose narratives are admitted to have cognitive function" (cited in Blommaert 2001, 413), Blommaert notes that the asylum system as interpreted in Europe "involves a complex set of discursive practices and language ideologies that are, in practice, being used as criteria for 'truth', 'trustworthiness', 'coherence' and 'consistency'" (414). Such exclusionary discursive practices are often "far beyond the reach of African asylum seekers not only linguistically but also narratively and stylistically" (414). Because the asylum system does not allow for anecdotal elements, the contextual and emotional information claimants can provide is limited. Moreover, as I have explored elsewhere (Woolley, 2014), the implications of consigning to text the original oral narrative provided by the claimant are significant. As the oral narrative is transcribed, "remoulded, remodelled and re-narrated" (Blommaert 2001, 438) by representatives of organisations and institutions with their own interpretive abilities – lawyers, welfare workers, translators and immigration officials – a series of documents are produced which are all ascribed to a single individual's asylum claim. This revisionary process generates an 'asylum story' that is taken as definitive of the claimant's experience. An unacknowledged process of narrative organization occurs here that fails to account for the instabilities arising from these varying acts of enunciation and appropriation. It allows the story to be co-opted in ways that deprive the claimant of control over its narrative permutations and fixes their story into a particular version of the truth.

The peculiar narrative restrictions of the asylum claims system are also embedded in the prevailing structure of asylum interviews which, as well as being delimited by the inevitable challenges of language difference, are mostly conducted using a "rigid, interrogative, closed question and direct answer format" (Baillot, Cowan and Munro 2009, 209). Prevented from narrating their experiences freely, asylum seekers must instead answer a series of questions that dictate the terms on which the asylum narrative may be told by limiting the range of responses available to the claimant. These interrogative conditions have a clear impact on the resulting narrative by shaping it along empirical lines which exclude

what Blommaert (2001) calls “home narratives”; that is “contextualizing accounts” which are “often long and sometimes anecdotal stories on the situation in the refugees’ home societies, involving usually very detailed information on local events, the crisis from which refugees fled and so on” (415). Without this information, the asylum story is read on purely positivist terms, taking into account only those details that can be empirically proven and counted as fact. Though it goes unacknowledged, such institutional systems of codification shape the narrative contours of the asylum story by demanding a coherent, historically-accurate version of events. Moreover, as I will elaborate further below, Alison Jeffers’ focus on the performativity of asylum reveals that the presentation of the asylum story elicits the performance of a normative refugee selfhood which conforms to certain “cultural expectations” (Jeffers 2011, 17) of how a refugee should behave. So we have a legal process for determining refugee status premised on an ascertainable division between fact and fiction, and which disavows its own narrative instabilities. As such it fails to take into account linguistic and historical nuance, the memorial revisions of trauma, or its own structural performative aspects.

Jacques Rancière’s analysis of the relationship between art and politics focalizes the asylum system’s coercive narrative logic that insists on a clear dividing line between fact and fiction; a line which has the material effect of designating who has the right to protection under the international asylum regime. Setting our own “aesthetic age” against Aristotelian thinking, Rancière argues that, poetic “story” and “history” have become deeply intertwined and, in fact, adhere to the same processes of narrativization: “the logic of descriptive and narrative arrangements in fiction becomes fundamentally indistinct from the arrangements used in the description and interpretation of the phenomena of the social and historical world” (2007, 37). A news story, for example, presents events according to a causal logic which may not reflect the way things actually happened. The asylum process, too, is determined by story; yet here unyielding narrative terms prioritise causal logic over the intimate details of Blommaert’s “home narrative”. The problem here is not the narrative ordering in itself – as Rancière argues, “[t]he real must be fictionalized in order to be thought” (38) – but the prescriptive context, whereby asylum seekers cede narrative agency over their stories to institutional procedures. Rancière glosses his assertion that “testimony and fiction come under the same regime of meaning” (37), by noting that:

It is not a matter of claiming that everything is fiction. It is a matter of stating that the fiction of the aesthetic age defined models for connecting the presentation of facts and forms of intelligibility that blurred the border between the logic of facts and the logic of fiction. [...] Writing history and writing stories come under the same regime of truth. This has nothing whatsoever to do with a thesis on the reality or unreality of things. (38)

This clarification is crucial given that an awareness of the material effects of war, persecution and torture are central to the assurance of rights and justice for refugees. Far from repudiating the importance of testimony, Rancière argues that both modes of meaning making are bound to narrative forms. The recent growth in creative non-fiction shows that much contemporary literary production – not least depictions of refugees and asylum seekers, as we shall see – blurs the line between documentary and fictional storytelling as conventionally perceived. Politics, like literature and art according to Rancière, constructs “‘fictions’, that is to say *material* rearrangements of signs and images, relationships between what is seen and what is said, between what is done and what can be done” (39, original emphasis). These arrangements and relationships are constructed in order to make intelligible what would otherwise be “condemned to presenting events according to their empirical order” (36). The point here is not to negate the need for testimony, to bear witness to atrocity, but to acknowledge its basis in the same narrative configurations as fiction as a mode of making sense of such events.^{vi} Such an acknowledgment is inimical to the international asylum regime, which not only elides the subjectivity of the decision-maker as participant in the narrative, but also imposes a coercive regime of fact-finding. Unacknowledged, these narrative instabilities codify the asylum seeker’s experience within markedly reductive narrative parameters. Yet more speciously, in coercing the claimant into its pursuit of veracity, the process elicits a negatively idealized version of events which may take the claimant even further from the truth, paradoxically undoing its claims to empirical discovery.

Literature and asylum

Asylum stories are not confined to courts and interview rooms. They circulate in media, advocacy and creative fora, which, though not strictly speaking judicial spaces, nonetheless maintain a relationship with the law through the predominance of testimonial forms. Again marking the mid-twentieth century as a turning point in rights discourse, Lyndsey Stonebridge has drawn attention to the ways in which “the contingent hazards of ethical witnessing” implicit in testimonial transactions have come to dominate “postwar legal history” since the Eichmann trial in 1961 (2011, 4). Testimony has also become the prevailing narrative mode for refugee experience. For organisations like the Refugee Council and the UK-based Migrant Voices, testimony is an effective means of campaigning and advocacy for and by refugees; the cornerstone of a process of bearing witness to oppression, torture and marginalization. As Gillian Whitlock points out in her analysis of letters written between detained asylum seekers and their advocates in Australia, refugees often actively seek out opportunities to relate “the realities of lived experiences” outside the “formal testimony” format of the immigration interview (2009, 210). But although it aims to counteract the punitive terms of asylum decision making for the purposes of advocacy, refugee testimony can, at times, also collude with its narrative coercions by holding claimants to the same standards of authenticity as the asylum regime. Just as in the adjudication system, the documentary presentation of asylum stories, whether written or performed, presents a fixed, unchanging version of the truth. For audiences and readers of asylum testimony, as for immigration officials and judges, belief in the credibility of the narrative becomes the organising principle. In her book *Postcolonial Life Narratives: Testimonial Transactions* (2015), Whitlock provides further grounds for re-evaluating the conventional means by which refugees’ stories are heard. She notes that the infrastructure of “humanitarian storytelling”, which conventionally yokes together testimonial narrative and rights discourses has often been “a poor host for refugee testimony” (179) because refugees fundamentally destabilize given notions of what it means to be human. Refugees “bring to light uncertainties about who can be understood and felt to be human”, which, in turn, set “the limits of humanitarian storytelling and its capacity to reach ‘distant’ others” (Whitlock 2015, 179). Whitlock’s analysis of contemporary testimonial forms identifies a sense of exhaustion in a “cosmopolitan”, knowing audience which simultaneously desires and distains “the

commodification of distant suffering” (191). Readers of testimonial human rights literature are thus conscious that even as it seeks change for those represented, it can also participate in their exploitation.

Models of ethical witnessing have also filtered into the creative sphere, where asylum stories tend to draw from testimony and verbatim sources. This is especially true of theatre and performance. Dramatic verbatim projects like *The Asylum Monologues* (launched in 2006), which have actors voicing refugee narratives while seated facing the audience, have provided a flexible and portable means of enhancing the public presence of asylum stories and countering negative portrayals of refugees and asylum seekers in policy and mainstream media. This method of delivering testimony has set the benchmark for many theatrical engagements with asylum, which take advantage of the presentational modes theatre offers to impress upon audiences that they are bearing witness to authentic testimony.^{vii} Less commented upon are the ways in which these presentational performance modes mirror the interaction between asylum claimant and immigration officer, meaning that audiences are implicitly encouraged to judge the credibility of the asylum story with which they are presented. Of course, theatre of asylum does not only work in docudramatic mode. Kay Adshead’s 2001 play in verse, *The Bogus Woman*, Anders Lustgarten’s, *Lampedusa* (2015), and Zodwa Nyoni’s *Nine Lives* (2015) are all dramatized, fictional engagements with asylum. Even here, however, all retain the presentational monologue style of testimony. As we shall see, the complexity of the confrontation between asylum claimant and official witness is the focal point of Adichie’s short story ‘The American Embassy’. Because prose fiction is not measured by the same “metrics of authenticity” (Smith and Watson, cited in Whitlock, 193) as verbatim and documentary narratives, Adichie is able to reimagine and reshape the encounter between asylum seeker and citizen/reader/immigration officer as a space in which Bloomaert’s “home narrative” is able to flourish.

Novels and prose fiction have addressed the challenges testimonial forms pose by working with testimony in ways that draw attention to its complex relationship to fiction.^{viii} Swedish writer Henning Mankell’s satirical novel *The Shadow Girls* (2012), about a self-serving poet hoping to redeem himself by telling the stories of a group of refugee girls, presents a subtle but serious consideration of the role of literature in casting light on those who live in the shadows. More complexly, Dave Eggers’s “fictional autobiography” (Deng, n.d.) of Sudanese refugee Valentino Achack Deng *What is the What?* includes a preface by

Deng which addresses Eggars' narrative ventriloquism while at the same time maintaining the story's claim to truth and authenticity.^{ix} Working explicitly within Rancière's shared narrative logic of "story" and "history", these texts aim to engender compassion and anger about the material injustices of asylum while retaining a sense of incredulity to the idea of an authentic or empirically discoverable subjectivity. These kinds of metafictional or hybrid prose narratives evince concerns about authenticity as a way of acknowledging the limitations of storytelling when it comes to extreme experiences or histories of injustice; an approach which forms part of broader and long-standing debates about fiction's responsibility to the real. Peter Boxall's reappraisal of this discussion in his recent critical introduction to post-2000 literature cites these concerns as central to twenty-first century fiction. Boxall identifies a renewed "historical consciousness" (2013, 41) in much contemporary writing, which is:

grounded in a keen awareness of history as event, history as a material force which is not simply produced by narrative, but also shapes and determines it. The ethical and political texture of the new fiction is coloured by this awareness, this sense of a historical and ethical imperative (41)

This "historical and ethical" imperative, which often translates as a concern with "the ethics of accurate testimony" (66), is in part a response to the perceived ethical deficit of the postmodern historiographies prevalent in the twentieth century. But as Boxall is quick to point out, contemporary fiction does not stage a "post-theoretical reassertion of history as truth, history as a real state of affairs, which it is the task of the historical novelist simply to record or testify to" (42). Instead, this historically-conscious fiction reveals to its readers the complex relationship between narrative and experience; a relationship which is at its most fraught when shaped by historical injustice. Recent writing opens up and occupies "a difficult gap between fiction and history" (Boxall 2013, 67). The renewed ethical awareness and historical responsibility that Boxall identifies in twenty-first century literature has found keen expression in representations of forced migration, which, while attempting to tell the unheard stories of refugees and asylum seekers also expresses a degree of self-reflexive anxiety about the possibility of doing so.

Questions over the textuality of history have nowhere been more rigorously addressed than in postcolonial studies, where the debate has bifurcated into broadly poststructuralist and broadly materialist approaches. While there is no need to recapitulate these debates here, it is worth highlighting the asylum system as a site that crystallizes these tensions by demonstrating both the damaging implications of an over dependence on the verifiability of the past and the irrefutable need for an account of historical events, both for the purposes of securing refuge and for raising awareness of the oppressions, inequalities and injustices that force people to seek asylum. As the ever-increasing need for adequate responses to forced migration and displacement is part of colonialism's legacy of uneven development and entrenched systems of global inequality, the international asylum regime marks a move from negotiations over who is the bearer of human rights in the period of decolonization, to contemporary interrogations of the complicity of humanitarianism in continuing modes of oppressing 'others'. Trapped within a contradictory and paralyzing system, asylum seekers need an account of their experiences, but not one that shuts down on historical contingency or memorial trauma by forcing claimants to conform to pre-defined narrative terms. It is in this sense that the asylum system unwittingly exposes the gap between narrative and experience identified by Boxall as a defining condition of contemporary literature. As I will now argue, Chimamanda Ngozi Adichie's short story, 'The American Embassy' reveals that the international asylum regime system – as a space in which historical narratives of oppression and in justice are heard – is deeply implicated in regimes of exclusion that operate through the regulation of narrative.

Adichie and the danger of the 'single (asylum) story'

Though not known for her metafictional literary techniques, Adichie's work dwells self-consciously in the "difficult gap between fiction and history" (Boxall 2013, 67). In much of her writing, she evinces a reflexive concern with the legitimacy of stories that suggests a desire to grapple with the vexed question of how to bear witness to marginalised experiences.^x This question is addressed explicitly in her 2009 TED talk, 'The Danger of a Single Story'. Describing her life in reading and writing, Adichie recounts an incident early on in her career when she was told by one of her professors that because her novel featured characters who were well-nourished and drove cars, that it was not "authentically African".

The professor, it seemed, subscribed to the “single story” of Africa, which depicts only impoverished, starving individuals and trades in images “of difference, of darkness”. Adichie is concerned in her talk with the ways in which these repeated images of Africa become entangled with a certain notion of authenticity, and the single story they transmit gains a strength of currency that displaces the varied and multiple experiences of contemporary Africa. The single story not only “robs people of their dignity”, but it also makes the “recognition of our equal humanity difficult” by emphasizing “how we are different rather than how we are similar”. Alongside ‘The American Embassy’, many of the short stories in *The Thing Around Your Neck* take up questions of authenticity often asked of and by postcolonial migrant authors.^{xi} One satirical sketch, ‘Jumping Monkey Hill’, is set at a writers’ retreat outside Cape Town and features a fictional version of her creative writing professor for whom only stories of war, dictatorship and starvation can represent what he calls “the real Africa” (Adichie 2009a, 108). Those authors who write about homosexuality in Senegal, or the life of a secondary school teacher in Harare do not make it into the professor’s literary magazine because, for him, these stories are not “reflective of Africa, really” (Adichie 2009a, 108). For Adichie, “Power is the ability not just to tell the story of another person, but to make [a single story] the definitive story of that person.” Her words here place her within a theoretical tradition critical of cultural imperialism, according to which “the power to narrate, or block other narratives from forming and emerging” (Said 1993, xiii) is a central means by which hegemonic cultures operate. They also provide an accurate description of the ‘single’ asylum story, which comes to define refugees through a set of pre-existing legal and cultural narratives. Adichie’s critique of this process in ‘The American Embassy’ depicts an institutional context which robs people of their dignity, challenges our ability to recognise our shared humanity and, further, deprives certain constituencies of selfhood through the privileging of a “definitive” refugee plotline.

‘The American Embassy’ tells the story of a woman whose toddler is killed by militants in pursuit of her dissident journalist husband in Nigeria during the final years of the Abacha dictatorship in the 1990s. As government forces are likely to come after her too, the woman’s friends urge her to apply for asylum at the American Embassy in Lagos, reminding her that to be granted entry to the United States she must have a convincing story. She duly arrives at the embassy to make the claim but finds that she cannot bring herself to describe her son Ugonna’s death to the incredulous official behind the glass. In fact, she would

“gladly” die before she “hawked Ugonna for a visa to safety” (139). To do so she would have to present her story in ways that the immigration officer would find plausible; this includes making sure she does not hesitate when answering questions, and remembering to cry, but not “cry too much” (134). Faced with a choice between framing her story within the narrative demands of the asylum application process or remaining silent, she chooses the latter, preferring to risk her own life than have the details of her son’s death picked over for inconsistencies. In a legal context that requires a story in order to function, this act of narrative withholding is significant. The woman’s refusal mounts an effective challenge to the coercive narrative context of legal decision making on asylum, but it also models a relationship between the asylum seeker and the citizen/reader outside the legal framework of the asylum interview by sharing with readers the contextual and psychological details that are withheld from the immigration official. Here, Bloomaert’s “home narrative” is allowed to flourish.

Although she does not make use of the devices and conventions of human rights literature as traditionally conceived in order to engender empathy or promote social justice, Adichie’s critique of the asylum regime in ‘The American Embassy’ is as sharp as those that rely on testimony as a discrete mode of meaning making. One of the most striking aspects of Adichie’s depiction of the asylum determination process in ‘The American Embassy’ is the extent to which, in her hands, it becomes a narrative forum open to the performative techniques of storytelling. If she is to convince her sceptical audience of the veracity of her story, the woman must strategically deploy her rhetorical skills to generate a believable performance of the truth. Asylum seekers are accustomed to the tactical deployment of narrative. As Alison Jeffers notes, during the claims process asylum seekers must perform a normative version of refugee selfhood, one which “conform[s] to cultural expectations of refugees, particularly in relation to suffering” (2011, 17); this includes “silence, passivity, trauma and victimhood” (42). Where evidentiary documentation does not exist or is unavailable, adjudicators turn to bodily evidence such as scars and marks of torture, or, implicitly, on the degree to which the claimant is able to conform to the system’s specific storytelling conditions: to “*play the role of ‘Convention Refugees’*” (Jeffers 2011, 17, original emphasis). In the asylum interview, then, effective storytelling can mean the difference between life and death. In fact, the woman’s interaction with the official in ‘The American Embassy’ presents the system as precluding, rather than ascertaining, an authentic

presentation of the facts. Note the careful stage management by the woman's friends, who warn her not to "falter" as she answers questions, or "overdo it"; she should cry, but not "cry too much" (Adichie 2009a, 134). Setting the terms on which grief may be expressed, the performance must be coherent, credible, but it should also convey vulnerability. The woman's refusal to perform her own grief suggests, in part, a need to safeguard a sense of selfhood in the face of systematic institutional erasure. To conform to the official's narrative expectations would be to exile herself not only from her country, but also from her own experience, which would be reshaped to fit the Convention criteria. Her defiant act also illuminates the performative aspects of a system which purports to be grounded in empirical truth but in fact operates at the intersection of representation and experience. By refusing to perform, Adichie's protagonist frustrates the operation of asylum law, revealing the methodological fault lines at the core of the legal process. If the claimant's mode of performance is as important as the narrative content in securing their safety, the clear distinction between fact and fiction the legal procedure seeks to uphold as a basis for credibility begins to break down.

Like 'Jumping Monkey Hill', 'The American Embassy' depicts an economy of storytelling which entails decisions about which stories may be understood as authentic or plausible. In the context of asylum, however, the need to testify to a real experience is a matter of life and death, even as the possibility of bearing witness to that experience must always confront the limits of narrative to undertake this task. Journalistic storytelling provides a focus for this tension in Adichie's story. The woman's husband is a journalist and editor of the anti-Abacha newspaper *The New Nigeria* and, according to the man behind her in the queue outside the embassy, is a "truly brave" man who risks his life "to tell us the truth" (135). However, in documenting the atrocities of the Abacha regime, the lives he puts at risk are those of his wife and son after his stories begin to garner international attention. The BBC runs an interview with an exiled Nigerian professor who comments that the woman's husband should receive a Human Rights Award because "*He fights repression with a pen, he gives a voice to the voiceless, he makes the world know*" (137, original italics). Conforming to the cultural expectations of the Convention refugee, which includes the narrative cause and effect of persecution on the basis of his journalism, the husband escapes to Benin and from there secures sanctuary in the United States. As well as documenting the abuses of the dictatorship, then, the articles also tell the story of a heroic journalist who

sacrifices himself in the name of democracy; a man who comes to resemble an “excited messiah” (135). What her husband’s admirer in the queue does not know is that the woman was herself a political activist: “she might have told him of her own journalism, starting from university in Zaria, when she had organised a rally to protest General Buhari’s government’s decision to cut student subsidies”, or “how she wrote for the *Evening News* here in Lagos, how she did the story on the attempted murder of the publisher of *The Guardian*” (136). The imbalance in these twin narratives, whereby the woman’s is already devalued and unheard, demonstrates the contingency of claims to authenticity and the danger of the ‘single story’, which occludes as much as it exposes. The woman’s past activism provides the kind of historical context for her asylum claim prohibited by the narrative structure of the claims process, which seeks only clear cause and effect. Unlike her husband’s story, her’s does not fit neatly into the terms of validation provided by the asylum system, which apportions rights of protection by effecting social and political hierarchies through narrative.

The woman’s refusal to share her story with the immigration officer at the American Embassy rejects these slight narrative conditions and, turning her back on the official at the end of the story, she resists interpellation into the duplicitous terms of the asylum system and the instrumentalization of a ‘single’ asylum story. This is a tactic which, as David Farrier describes it, “sidesteps the process of entextualisation affected by the official interview” (2012, 170). By withholding her narrative, the woman withholds her own “narratability” (Farrier 2012, 170), that is, the process of becoming the object of another’s narrative power. Farrier’s extensive analysis of the refusal to speak in the context of asylum draws on Herman Melville’s *Bartleby*, whose refrain ‘I prefer not to’ is echoed in Abdulrazak Gurnah’s 2001 novel *By the Sea*, where it is uttered by Saleh, an elderly asylum seeker arriving in Britain from Zanzibar. Both Bartleby and Saleh refuse to participate in systems that disempower them by asserting “a subjective selfhood that chooses to represent its exclusion in terms of that exclusion”; a formula that “contests the effacement of the refugee subject by deliberately occupying that effacement, foregrounding exclusion through the anomic language of asylum” (Farrier 2012, 176). By refusing to provide any details which might jeopardise his position as abject and therefore legally requiring asylum, Saleh makes “the law’s narrow margins of narrative tolerance work to his advantage” (Farrier 2012, 170). Though the woman’s refusal to engage with the legal process is different in kind to that of Saleh – she exits the system altogether – both ‘The American Embassy’ and *By the Sea* suggest a dialogic approach to the

asylum story which confers agency for the telling on the claimant. Ultimately rejecting silence as a tactic, Saleh shares his story with Latif, another Zanzibari refugee whose migration story forms the second strand of the novel's narrative. For Farrier, their dialogue affirms the narratability of the self over and against Salah's initial negative refusal to narrate. In a similar gesture, the woman in Adichie's story affirms her own narratability, not within the text, but extra-diegetically – with readers. The imbalance of power in the asylum interview context is redressed in 'The American Embassy' because the details are revealed to the reader rather than the immigration officer; providing an alternative narrative space for the telling of the multivalent asylum story outside and beyond the restrictions of the legal context.

This is shown most eloquently during the confrontation between the woman and the US government agent who will make a decision on her claim. Having waited in the queue all day, the woman finds herself unwilling to share the details of her story as she stares at the official on the other side of the glass barrier:

Her son had been killed, that was all she would say. Killed.
Nothing about how his laughter started somehow above his
head, high and tinkly. How he called sweets and biscuits
“breadie-breadie.” How he grasped her neck tight when she held
him. How her husband said that he would be an artist because
he didn't try to build with his LEGO blocks but instead arranged
them side by side, alternating colors.
(139).

What is withheld from the immigration officer is in the same moment revealed to readers in a form of dramatic irony that marks a clear distinction between two narrative frames: the legal process and the literary text, highlighting the vast discrepancy between the legal mechanism for apportioning rights and the multivalent experiences, emotions and aspirations that constitute an asylum claim. The narrative disjuncture between the woman's internal commentary and the procedural characteristics of the interview in this moment not only reveals the latter as a forum which closes down on narrative freedom but it also doubles the asylum story as readers encounter its legal and its literary form. What the system occludes,

but Adichie's story allows us to see, is that decisions over who is deserving of rights depend on a particular kind of narrative performance; one which the woman refuses to provide. The confrontation between the official and the claimant thus exposes the moments when text, readers and performance intersect, demonstrating the complicity of the asylum system within those fictional narrative forms it disavows in its quest for historical accuracy. This is not to suggest that the story posits the fictionality of all asylum claims. Rather that Adichie performs a writerly balancing act by questioning the search for an authentic narrative of asylum while simultaneously upholding the importance of testifying to experience. Unlike re-presented verbatim and testimonial asylum stories, Adichie's prose fiction is presented without peritexts pointing to validating documentary sources and, significantly, readers are not asked to pass judgement on the veracity of the woman's story. Instead, the intimate relationship created between character and readers by the sharing of narrative detail creates a storytelling space free from legal regulation; one which makes no claims to historical fact, but nonetheless makes intelligible the traumatic histories that lie behind asylum claims. Refusing to engage with questions of authentic refugee selfhood, Adichie's story disrupts both the claims process and the sharp distinction often drawn between authentic testimony and creative fiction. Fiction becomes a site capable of generating a "shared sense of humanity" (Adichie, 2009) outside the terms of institutional power systems. If, as Slaughter has shown, rights law and literature are historically entangled, then Adichie's story offers one vision of their future engagement: 'The American Embassy' is not simply a critique of asylum law at the level of content, but itself generates the conditions for an alternative narrative interaction between asylum claimant and audience of their story.

As well as affording readers a stereoscopic view of the asylum system – both legal and literary – 'The American Embassy' encompasses thematic dualities. The narrative entails both the events that led to the claim (the shooting of Ugonna), recalled as the woman stands waiting in the queue outside the embassy, and those surrounding the articulation of this experience. The woman's refusal to "hawk" Ugonna in exchange for a visa resists the commodification of her asylum story, while alluding darkly to the way in which such stories are prey to journalists and state officials. So 'The American Embassy' is not simply the asylum story that lies behind the woman's claim in all its rich psychological complexity, it is also the story *of* that narrative: how, where and when it may be told. For Adichie in 'The American Embassy', the relationship between "story" and "history" in our "aesthetic age"

(Rancière 2004, 37), is not only a question for literary discourses but should be addressed by legal and bureaucratic structures which determine rights. This critical reflection is most pressing when those international laws in place to protect rights assert an inflexible legal plotline which have material and often detrimental effects. The question of how, where and when the asylum story may be told is one that has wide resonance for decision making on asylum, which remains subject to critique by rights organisations. In Britain, a number of recent studies have confirmed a long-suspected ‘culture of disbelief’ in Home Office decision making. Reports by Amnesty International UK (2004; 2013) Asylum Aid (2011) and the UK Lesbian and Gay Immigration Group (2013) have all pointed to failures in the adjudication process, in particular around the issue of what constitutes a credible claim. Bringing to bear the concerns about narrative and authenticity raised in this discussion onto institutional mechanisms for regulating lives submits this “most intensely narrative mode of legal adjudication” (Millbank 2009, 2) to the kind of critical scrutiny that focuses on connections between discourse and materiality, narrative appropriation, and the authority to narrate. This kind of analysis is vital at a moment in which legal procedures for determining asylum protection and refugee status are under pressure. At the time of writing, Turkey and the EU have agreed a deal for refugee ‘trades’ that could potentially do away with the Refugee Convention altogether. Under the terms of the deal, Greece will return to Turkey so-called ‘irregular’ migrants in exchange for the increased resettlement in EU countries of Syrian refugees residing in Turkey. Alongside innumerable moral questions, the deal raises an important legal one because it contravenes the terms of the Convention, which stipulates that refugee cases should be assessed on an individual basis. The implication of this is that asylum seekers will no longer have any opportunity at all to relate their experiences as a means of gaining protection. So perhaps ‘asylum crisis’ is more appropriate than ‘refugee crisis’ to describe a situation in which the international processes for dealing with asylum claims, and its interpretation at a national level, seems increasingly inadequate for today’s complex and multivalent refugee movements. In a context in which asylum stories may not even be heard by those institutions able to apportion rights, creating spaces for nuanced narratives of refugee experience has never been more important.

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ⁱ See Gibney (2004) for a detailed examination of asylum policies in the UK, the US Germany and Australia, and the ethics of refugee determination.

ⁱⁱ Political theory has engaged extensively with Arendt's contemporaneous analysis of human rights law and the rights of man in general. See esp. Agamben (1998), Balibar (2007) and Benhabib (2004).

ⁱⁱⁱ Though outside the scope of this essay, it is important to note that the UN Refugee Convention is shaped by specific and historical geopolitical phenomena: namely, Nazism and Soviet totalitarianism. For a discussion of this context and the convention's continued utility see Gatrell (2013) and Marfleet (2006).

^{iv} See Farrier (2012) and Woolley (2014).

^v The Convention Relating to the Status of Refugees has been signed by 147 countries. It is worth noting, however, that the African Union (originally the Organization of African Unity) works with a much broader definition of a refugee, which includes those fleeing from 'external aggression, occupation [or] foreign domination' (OAU, 1974. Available at: http://www.achpr.org/files/instruments/refugee-convention/achpr_instr_conv_refug_eng.pdf).

^{vi} Classic discussion of this relationship can be found in trauma studies. See esp. Caruth (1996), Felman and Laub (1996) and La Capra (1994).

^{vii} In line with a flourishing of verbatim and documentary theatre making in the early 2000s, the use of documentary or testimonial sources in theatre of asylum means that it attracts commentary focused on issues of 'truth' and 'authenticity'. For example, reviews of Timberlake Wertenbaker's 2001 asylum play *Credible Witness* assessed the extent to which it 'rang true', see Morely (2001) and de Jongh (2001). For a discussion of documentary asylum performance in the Australian context see Cox (2015).

^{viii} Many prose narratives about asylum seekers and refugees emphasise the research authors have undertaken on the topic in peritexts, see for example, Cleave (2009) and Clanchy (2009). Other recent novels about asylum in the British context include, Finch (2013), Chikwava (2009).

^{ix} See Whitlock (2015) and Boxall (2013) for extended readings of *What is the What* in relation to testimony, history and fiction.

^x See Ngwira (2012) for a discussion of *Half of a Yellow Sun* in relation to authorship and history. Boxall (2012) includes a reading of this novel in relation to the notion of a global community.

^{xi} See Huggan (2001) and Brouillette (2007).

Word Count: 8,874